

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BUTTE DIVISION

**FILED**

MAR 10 2014

Clerk, U.S. District Court  
District of Montana  
Butte, Montana

GLORIA WELLS,

Plaintiff,

vs.

LORRANINE VAN AUSDOL, et al.,

Defendants.

CV 13-0090-BU-DWM/CL

FINDINGS AND RECOMMENDATIONS OF  
UNITED STATES MAGISTRATE JUDGE

On February 6, 2014, this Court issued an Order after conducting the prescreening analysis required by 28 U.S.C. § 1915. The Court found that Wells' Complaint failed to state a claim upon which relief could be granted but allowed Wells until March 7, 2014 to file an amended complaint. (Doc. 5.) Wells has filed nothing in response to the Order.

Accordingly, for the reasons set forth in the February 6, 2014 Order, the Court issues the following:

**RECOMMENDATIONS**

1. The Complaint (Doc. 1) should be dismissed for failure to state a claim.
2. The Clerk of Court should be directed to close this matter and enter judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure.
3. The Clerk of Court should be directed to have the docket reflect that the

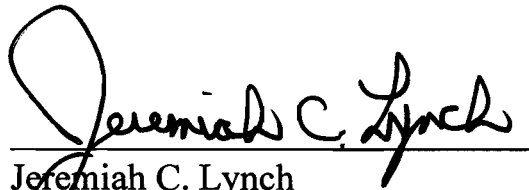
Court certifies pursuant to Fed.R.App.P. 24(a)(3)(A) that any appeal of this decision would not be taken in good faith. The record makes plain the instant Complaint is frivolous as it lacks arguable substance in law or fact.

**NOTICE OF RIGHT TO OBJECT TO FINDINGS &  
RECOMMENDATIONS AND CONSEQUENCES OF FAILURE TO OBJECT**

Wells may file objections to these Findings and Recommendations within fourteen (14) days after service (mailing) hereof.<sup>1</sup> 28 U.S.C. § 636. Failure to timely file written objections may bar a de novo determination by the district judge and/or waive the right to appeal.

This order is not immediately appealable to the Ninth Circuit Court of Appeals. Any notice of appeal pursuant to Fed.R.App.P. 4(a), should not be filed until entry of the District Court's final judgment.

DATED this the 10th day of March, 2014.

  
Jeremiah C. Lynch  
United States Magistrate Judge

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<sup>1</sup>As this deadline allows a party to act after the Findings and Recommendations is "served," it falls under Fed.R.Civ.P. 6(d). Therefore, three (3) days are added after the period would otherwise expire.